



# UNITED STATES PATENT AND TRADEMARK OFFICE

2

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,267	08/09/2001	Yoji Yokoyama	L9289 01157	2445

7590 02/21/2007  
Stevens Davis Miller & Mosher  
1615 L Street N W Suite 850  
Washington, DC 20036

EXAMINER
----------

JONES, PRENELL P

ART UNIT	PAPER NUMBER
----------	--------------

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/869,267

**Applicant(s)**

YOKOYAMA, YOJI

**Examiner**

Prenell P. Jones

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 14, 16-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 9-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 14, 16, 18, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson et al (US PAT 5,910,959) in view of Hwang et al (US PGPUB 20060153237) and Mauger et al (US Pat 6,937,612).

Regarding claim 14, 16, 19 and 21, Olafsson discloses robust transmission of control information as associated in a multimedia environment, wherein data transmission techniques are applied in a wire-line or wireless network, whereby the architecture includes multiplexing and transmitting control information between two modems (first/second control information of various types of data into one data frame (Abstract, col. 1, line 60-67, col. 2, line 49-67, col. 3, line 3-10, line 40-43, col. 6, line 56-67, col. 13, line 50-67). Olafsson fails to disclose various (first and second control data) resulting into a single packet and control data/information being of the H.245 message format. However, in a wireless communication system operating in a

multimedia environment, Hwang admits that with respect to the background of the invention/prior art, the MAC sub-layer took on the function of multiplexing control information together with other control information (first control data, second control data) resulting into a single packet (paragraphs 0003, 0010, 0016, 0017), and Mauger discloses communicating control information in a multimedia packet environment, wherein modems are utilized to multiplex and transmit channel information/packet data/control data using set of control messages, whereby the control data/control packets could be H.245 messages which are routed between communicating devices (col. 6, line 40, 26-67, col. 8, line 6-60, col. 9, line 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a first/second control data being of an H.245 message format as taught by Mauger with the combined teachings of Hwang and Olafsson for the purpose of further producing a more robust transmission of control information by minimizing decoding and reducing delay and providing a more efficient set-up/exchange/transfer of data between devices/endpoints and as it is associated in a multiplexed multimedia environment.

Regarding claim 18 and 23, as indicated above, Olafsson discloses robust transmission of control information as associated in a multimedia environment, wherein data transmission techniques are applied in a wire-line or wireless network, whereby the architecture includes multiplexing and transmitting control information between two modems (first/second control information of various types of data into one data frame. Olafsson further discloses transmitting multiple control information (transmitting control data collectively) as a set or in parts/two halves (col. 3, line 45-67, col. 4, line 22 thru col. 5, line 38).

Art Unit: 2616

4. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson et al (US PAT 5,910,959) in view of Hwang et al (US PGPUB 20060153237) and Mauger et al (US Pat 6,937,612) as applied to claim 1-14 above, and further in view of Toga et al (Intel unpatented literature).

5. Regarding claims 17 and 22, as indicated above, Olafsson, Hwang and Mauger combined discloses robust transmission of control information as associated in a multimedia environment, wherein data transmission techniques are applied in a wire-line or wireless network, whereby the architecture includes multiplexing and transmitting control information between two modems, the MAC sub-layer took on the function of multiplexing control information together with other control information (first control data, second control data) resulting into a single packet, and communicating control information in a multimedia packet environment, wherein modems are utilized to multiplex and transmit channel information/packet data/control data using set of control messages, whereby the control data/control packets could be H.245 messages which are routed between communicating devices. However, Olafsson, Hwang and Mauger are silent on control messages including master/slave determining messages and control messages containing terminal ability information exchanging messages. In a multimedia communication environment, which utilizes H.245 control messages, Toga discloses H.245 master/slave determination procedures used to resolve conflicts between endpoints and terminals having H.245 control messages used to exchange between endpoints to change media format (page 3, right column, fourth paragraph thru page 4, left column). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement control messages including master/slave determining messages and control messages containing terminal ability information exchanging messages

as taught by Toga with the combined teachings of Olafsson, Hwang and Mauger for the purpose of further producing a more robust transmission of control information by minimizing decoding and reducing delay and providing a more efficient set-up/exchange/transfer of data between devices/endpoints and as it is associated in a multiplexed multimedia environment.

***Allowable Subject Matter***

1. Claims 9-13 are allowed over prior art.
2. Claims 15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art fails to teach or fairly suggest with respect to claim 9 and 13, determining to which group each of plurality of control data belongs, and a multiplexer that multiplexes control data determined to belong to a same group, so as to generate multiplexed control data, with respect to claims 15 and 20, second control data is a message capable of being transmitted without waiting for response data from a communicating partner to the first control data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones 

February 4, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

2/13/07